

DEC 19 2005

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No. of Pages: 10 (including cover)
Date:

42749-0012

4/6 4983

Message:

Application Number	10/651,852
Filing Date	08/29/2003
First Named Inventor	Cartledge
Group/Art Unit	3731
Examiner Name	Not assigned
Attorney Docket Number	42749-0012

1. Transmittal Form
2. Fee Transmittal Form
3. Preliminary Amendment

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Heller Ehrman LLP www.hewm.com

DEC 19 2005

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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/651,852	
	Filing Date	08/29/2003	
	First Named Inventor	Cartledge	
	Group/Art Unit	3731	
	Examiner Name		
Total Number of Pages in This Submission	9	Attorney Docket Number	42749-0012

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> Exhibits <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Status Claimed <input type="checkbox"/> Statement under 3.73(b)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): stamped return postcard
Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Paul Davis, Reg. No. 29,294, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	12/19/05	Customer Number:	25213

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile on <u>December 19, 2005</u> Sidney Manibusan
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COMBINED FEE TRANSMITTAL

for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (S) 25

Complete if Known

Application Number	10/651,852	RECEIVED CENTRAL FAX CENTER DEC 19 2005
Filing Date	08/29/2003	
First Named Inventor	Cartledge	
Examiner Name		
Art Unit	3731	
Attorney Docket No.	42749-0012	

METHOD OF PAYMENT (check one)								FEE CALCULATION (continued)				
<input type="checkbox"/> Check		<input type="checkbox"/> Credit card		<input type="checkbox"/> Money Order		<input type="checkbox"/> Other		<input type="checkbox"/> None		4. PETITION FEES UNDER 37 CFR 1.17 (f)		Fee Paid
<input checked="" type="checkbox"/> Deposit Account										Fee Code: 1462 Fee \$ 400 For petitions filed under: § 1.53(c); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)		
Deposit Account Number:		08-1641						5. PETITION FEES UNDER 37 CFR 1.17 (g)		Fee Paid		
Deposit Account Name:		Heller Ehrman LLP						Fee Code: 1463 Fee \$ 200 For petitions filed under: § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25				
The Commissioner is authorized to: (check all that apply)								6. PETITION FEES UNDER 37 CFR 1.17 (h)		Fee Paid		
<input checked="" type="checkbox"/> Charge fee(s) indicated below								Fee Code: 1464 Fee \$ 130 For petitions filed under: § 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314				
<input checked="" type="checkbox"/> Credit any overpayments and charge any deficiencies								7. PROCESSING FEES UNDER 37 CFR 1.17 (i)		Fee Paid		
<input type="checkbox"/> Charge any additional fee(s) during the pendency of this application								Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under: § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(a); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81				
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the deposit account								8. OTHER FEES				
FEE CALCULATION								Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid	
1. BASIC FILING, SEARCH, AND EXAMINATION FEES												
Application Type	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)	130	65	Surcharge - late filing fee or oath		
Utility	300	150	500	250	200	100		50	25	Surcharge - late provisional filing fee or cover sheet		
Design	200	100	100	50	135	65		130	130	Non-English specification	23	
Plant	200	100	300	150	160	80		2,520	2,520	For filing a request for <i>ex parte</i> reexamination		
Reissue	300	150	500	250	600	300		920*	920*	Requesting publication of SIR prior to Examiner action		
Provisional	200	100	0	0	0	0		1,840*	1,840*	Requesting publication of SIR after Examiner action		
SUBTOTAL (1)							\$ 0	120	60	Extension for reply within first month		
								450	225	Extension for reply within second month		
								1,020	510	Extension for reply within third month		
								1,590	795	Extension for reply within fourth month		
								2,160	1,080	Extension for reply within fifth month		
								500	250	Filing a brief in support of an appeal		
								790	395	Filing a submission after final rejection (37 CFR 1.129(a))		
								1,510	1,510	Petition to institute a public use proceeding		
								500	250	Petition to revive - unavoidsably abandoned application		
								1,500	750	Petition to revive - unintentionally abandoned application		
								50	50	Processing fee for provisional apps (37 CFR 1.17(a))		
								180	180	Submission of Information Disclosure Statement		
								1,000	500	Request for oral hearing		
								790	395	For each additional invention to be examined (37 CFR 1.129(b))		
								790	395	Request for Continued Examination (RCE)		
								900	900	Request for expedited examination of a design application		
								Other fee (specify)				
SUBTOTAL (4+5+6+7+8)							\$ 25					
							* Reduced by Basic Filing Fee Paid					
							SUBTOTAL (3)					\$
3. APPLICATION SIZE FEE												
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)												
Total Sheets		Extra Sheets		Number of each additional 50	Fee (\$)		Small Entity Fee (\$)					
-100 =		/50 =		x 250	OR	x 125						
SUBTOTAL (3)							\$					

SUBMITTED BY

Name Paul Davis

Registration No.

29,294

Complete (if applicable)

Telephone 650 324-7041

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DEC 19 2005

Practitioner's Docket No. 42749-0012

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In re application of: Cartlege

Serial No.: 10/651,852

Filed: 08/29/2003

For: Apparatus for implanting surgical
devices for controlling the internal
circumference of an anatomic orifice or
lumen

Group No.: 3731

Examiner: Unassigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Introductory Comments

Please consider the following amendments and remarks.

Amendments to the Specification begins on page 2.

Claims listing begins on page 3.

Remarks begin on page 7.

12/21/2005 EFLORES 00000075 081641 10651852

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Attorney Docket No.: 42749-0012
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AMENDMENT OR RESPONSE TO OFFICE ACTION - PAGE 1 -

PAGE 4/10 * RCVD AT 12/19/2005 9:06:22 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/24 * DNIS:2738300 * CSID:650 324 0638 * DURATION (mm-ss):03-50